

112TH CONGRESS
2D SESSION

H. R. 3845

To establish an alternative accountability model.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2012

Mr. POLIS introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish an alternative accountability model.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Growth to Excellence
5 Act of 2012”.

6 **SEC. 2. ACCOUNTABILITY MODEL.**

7 Section 1111(b) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6311(b)) is amended—

9 (1) in paragraph (3), by adding at the end the
10 following:

11 “(E) ASSESSMENTS ABOVE AND BELOW
12 GRADE LEVEL.—

“(i) IN GENERAL.—Notwithstanding any other requirement of this paragraph, a State may carry out this paragraph through the use of adaptive assessments that—

“(I) are administered through a computerized means;

“(II) are aligned with grade-level academic content standards; and

“(III) measure academic growth above and below grade level.

“(ii) REQUIREMENTS FOR ADAPTIVE ASSESSMENTS.—For the results of any adaptive assessment to be included in the accountability model described under paragraph (12), such results must provide the information necessary to determine adequate student growth in accordance with paragraph (12)(C)(i).”; and

(2) by adding at the end the following:

“(11) CRITERIA AND IMPLEMENTATION OF ACCOUNTABILITY MODEL.—

“(A) IN GENERAL.—

“(i) TRANSITIONAL PARTICIPATION.—Prior to a State’s adoption of college and

1 career ready academic content standards
2 and college and career ready assessments,
3 as defined in subparagraphs (B) and (C)
4 of paragraph (13), a State may apply to
5 the Secretary to replace the State plan re-
6 quirements under paragraph (2) with the
7 accountability requirements under para-
8 graph (12).

9 “(ii) REQUIRED PARTICIPATION.—
10 After the adoption of college and career
11 ready academic content standards and col-
12 lege and career ready assessments, as de-
13 fined in subparagraphs (B) and (C) of
14 paragraph (13) and required under this
15 subsection—

16 “(I) a State shall comply with
17 this paragraph and paragraph (12) in
18 lieu of paragraph (2); and

19 “(II) references in this Act to
20 section 1111(b)(2) shall be deemed to
21 be references to this paragraph and
22 paragraph (12).

23 “(B) CRITERIA.—A State that participates
24 in the accountability model described in para-

graph (12) shall carry out the following activities:

“(i) Implement challenging college and career ready academic content standards, as defined in paragraph (13)(B).

“(ii) Implement college and career ready assessments, as defined in paragraph 13(C).

“(iii) For a secondary school that awards diplomas, measure graduation rates as defined in section 200.19(b)(1) of title 34, Code of Federal Regulations.

“(iv) Assess not less than 2 of the following additional indicators of whether students are college and career ready:

“(I) Student scores on the ACT.

“(II) Student scores on the SAT.

“(III) The percentage of students who attend an institution of higher education.

“(IV) College remediation rates.

“(V) Results from Advanced Placement or International Baccalaureate exams.

1 “(VI) Student grade point aver-
2 ages at an institution of higher edu-
3 cation.

4 “(VII) Rates of completion of the
5 first year at an institution of higher
6 education.

7 “(v) Provide a comprehensive State
8 system of accountability for schools that do
9 not meet the standard for adequate stu-
10 dent growth, as described in paragraph
11 (12), which aims to ensure that each stu-
12 dent is college and career ready before
13 such student graduates from a secondary
14 school that awards diplomas and which
15 shall include, at a minimum—

16 “(I) the evaluation of each school
17 and each group of students described
18 in paragraph (2)(C)(v)(II) against an-
19 nual progress targets described in
20 subclauses (V) and (VI) of paragraph
21 (12)(B)(i) that are aligned with the
22 goal of ensuring that each student is
23 college and career ready before such
24 student graduates from secondary
25 school;

1 “(II) a system of categorization
2 that will group schools based on—

3 “(aa) how the overall per-
4 formance of students, and the
5 performance of each subgroup of
6 students described in paragraph
7 (2)(C)(v)(II), at such school com-
8 pares to each annual progress
9 target described in subclauses
10 (V) and (VI) of paragraph
11 (12)(B)(i); and

12 “(bb) if the school is a sec-
13 ondary school, how students at
14 such school perform when meas-
15 ured against key indicators of
16 college and career readiness, as
17 described in clauses (iii) and (iv);

18 “(III) supports and consequences
19 for each school in the State, as appro-
20 priate for each school based on the
21 categorization described in subclause
22 (II); and

23 “(IV) incentives for schools that
24 consistently exceed the annual
25 progress targets described in sub-

1 clauses (V) and (VI) of paragraph
2 (12)(B)(i).

3 “(vi) Adopt intervention mechanisms
4 for schools, as described in section 1116.

5 “(vii) Ensure that adequate student
6 growth reports are delivered, in a timely
7 manner, to parents and teachers (as appro-
8 priate) to enable parents and teachers to
9 examine student progress toward becoming
10 college and career ready.

11 “(C) ASSESSMENTS ABOVE AND BELOW
12 GRADE LEVEL.—

13 “(i) IN GENERAL.—In carrying out
14 the assessment requirements described in
15 subparagraph (B)(ii), a State may use
16 adaptive assessments described in para-
17 graph (3)(E).

18 “(ii) REQUIREMENTS FOR ADAPTIVE
19 ASSESSMENTS.—For the results of any
20 adaptive assessment to be included in the
21 accountability model described under para-
22 graph (12), such results must provide the
23 information necessary to determine ade-
24 quate student growth in accordance with
25 paragraph (12)(C)(i).

1 “(12) ACCOUNTABILITY MODEL.—

2 “(A) IN GENERAL.—Each State that will
3 use an accountability model under this para-
4 graph shall submit a plan to the Secretary,
5 which shall demonstrate that the State has de-
6 veloped and will implement a single, statewide
7 State accountability system that will be effective
8 in ensuring that all local educational agencies,
9 public elementary schools, and public secondary
10 schools meet the standard of adequate student
11 growth as defined under this paragraph.

12 “(B) COMPONENTS OF THE ACCOUNT-
13 ABILITY MODEL.—

14 “(i) IN GENERAL.—Each State ac-
15 countability model shall—

16 “(I) be based on the academic
17 standards and academic assessments
18 adopted under paragraphs (1), (3),
19 and (11), and other academic indica-
20 tors consistent with subparagraph
21 (C)(ii);

22 “(II) take into account the
23 achievement of all public elementary
24 school and secondary school students;

1 “(III) be the same accountability
2 model that the State uses for all pub-
3 lic elementary schools and secondary
4 schools and all local educational agen-
5 cies in the State;

6 “(IV) include components that
7 recognize successful schools and that
8 require intervention measures in
9 struggling schools, which the State
10 will use to hold local educational agen-
11 cies and public elementary schools and
12 secondary schools accountable for stu-
13 dent achievement and for ensuring
14 that such agencies and schools meet
15 the standard of adequate student
16 growth as described in subparagraph
17 (C), in accordance with this para-
18 graph;

19 “(V) establish annual progress
20 targets for each school that—

21 “(aa) aim to reduce by half,
22 in less than six years—

23 “(AA) the difference
24 between the percentage of
25 students at the top per-

1 forming schools in the State
2 who meet the college and ca-
3 reer ready academic content
4 standards described in para-
5 graph (13)(B) or make ade-
6 quate student growth, as de-
7 scribed in subparagraph (C),
8 and the percentage of such
9 students at each school that
10 is not a top performing
11 school; and

12 “(BB) for each cat-
13 egory of students described
14 in paragraph (2)(C)(v)(II),
15 the difference between the
16 percentage of students who
17 meet the college and career
18 ready academic content
19 standards described in para-
20 graph (13)(B) or make ade-
21 quate student growth, as de-
22 scribed in subparagraph (C),
23 at the top performing
24 schools in the State, and the
25 percentage of such students

1 at each school that is not a
2 top performing school; or

3 “(bb) are required to ensure
4 that 100 percent of students are
5 making adequate yearly growth
6 to be on track to college and ca-
7 reer readiness not later than the
8 end of the 2019–2020 school
9 year; or

10 “(cc) include another meth-
11 od that is educationally sound,
12 rigorous, and will result in ambi-
13 tious, but achievable, targets for
14 all students and the subgroups of
15 students described in paragraph
16 (2)(C)(v)(II); and

17 “(VI) establish annual progress
18 targets for each secondary school that
19 awards diplomas that—

20 “(aa) aim to reduce by half,
21 in less than 6 years, the dif-
22 ference between the percentage of
23 all students and for each sub-
24 group of students described in
25 paragraph (2)(C)(v)(II) who

1 graduate from such secondary
2 school and 90 percent; or

3 “(bb) establishes another
4 single graduation rate goal for
5 each subgroup of students de-
6 scribed in paragraph
7 (2)(C)(v)(II) that is educationally
8 sound, rigorous, ambitious and
9 achievable; and

10 “(VII) establish a system of cat-
11 egorization and related interventions
12 and rewards that groups local edu-
13 cational agencies based on their
14 schools’ and students’ performance as
15 measured by the annual progress tar-
16 gets established in (B)(i) (V) and
17 (VI). States may also include addi-
18 tional indicators such as those estab-
19 lished in 12(C)(ii) in their account-
20 ability system for local educational
21 agencies.

22 “(ii) DEFINITION OF TOP PER-
23 FORMING SCHOOL.—In this paragraph, the
24 term ‘top performing school’ means a
25 school that is ranked at the 90th percentile

1 when all schools in a State are ranked
2 (with separate rankings for elementary
3 schools and for secondary schools) from
4 lowest to highest, based on the percentage
5 of students at each school who meet chal-
6 lenging college and career ready academic
7 content standards.

8 “(iii) TOP PERFORMING SCHOOLS.—A
9 top performing school shall be considered a
10 school that is meeting annual progress tar-
11 gets under subclauses (V) and (VI) of
12 clause (i), for such time as the school re-
13 mains a top performing school.

14 “(C) ADEQUATE STUDENT GROWTH.—

15 “(i) IN GENERAL.—The term ‘ade-
16 quate student growth’ shall be defined by
17 a State—

18 “(I) to mean—

19 “(aa) for each student at a
20 school who is not on track to
21 being college and career ready in
22 a subject, a rate of growth indi-
23 cating that the student will be on
24 track to being college and career
25 ready within 3 years, or by the

1 last year of student testing,
2 whichever is earlier; and

3 “(bb) for a student who is
4 on track to being college and ca-
5 reer ready in a subject, but is not
6 yet college and career ready, a
7 rate of growth equal to not less
8 than 1 year of academic growth;
9 “(II) in a manner that—

10 “(aa) applies the same high
11 standards of academic achieve-
12 ment to all public elementary
13 school and secondary school stu-
14 dents in the State;

15 “(bb) is statistically rig-
16 orous, valid, and reliable;

17 “(cc) results in continuous
18 and substantial student academic
19 improvement; and

20 “(dd) measures the progress
21 of public elementary schools, sec-
22 ondary schools, local educational
23 agencies, and the State based on
24 the academic assessments de-

1 scribed in paragraphs (3) and
2 (11).

3 “(ii) MEASURES OF ADEQUATE
4 SCHOOL PERFORMANCE.—

5 “(I) IN GENERAL.—A State may
6 develop a composite measure of a
7 school’s adequate student growth, as
8 described under this paragraph, to be
9 used for public reporting, that may in-
10 corporate 1 or more of the following
11 indicators:

12 “(aa) Overall student cohort
13 proficiency or growth to pro-
14 ficiency on the assessments
15 adopted under paragraphs (3)
16 and (11) over a period of 2 or
17 more years.

18 “(bb) The percentage of stu-
19 dents who are making sufficient
20 growth to meet the college and
21 career ready academic content
22 standards, as described in para-
23 graph (13)(B), before the last
24 year that the student is in the
25 student’s current school, or in

1 less than 3 years, whichever oc-
2 curs earlier.

3 “(cc) Progress in closing
4 achievement gaps between each
5 group of students listed in para-
6 graph (2)(C)(v)(II) and the over-
7 all student population of the
8 school over a period of 2 or more
9 years.

10 “(dd) For secondary schools
11 that award diplomas, a contin-
12 uous and substantial increase in
13 the graduation rate (as defined
14 in section 200.19(b)(1) of title
15 34, Code of Federal Regula-
16 tions).

17 “(ee) Year-to-year growth
18 and growth to proficiency on the
19 assessments adopted under para-
20 graphs (3) and (11).

21 “(ff) Attendance for all pub-
22 lic elementary school students.

23 “(gg) The percentage of stu-
24 dents who earn sufficient credits
25 to be promoted to the next grade.

1 “(hh) The percentage of
2 high school graduates who attend
3 an institution of higher edu-
4 cation.

5 “(ii) The percentage of high
6 school graduates who do not re-
7 quire remediation at an institu-
8 tion of higher education.

9 “(II) VALIDITY AND RELI-
10 ABILITY.—The State shall ensure that
11 each indicator described in this clause
12 is rigorous, valid for the indicator’s
13 assigned use, reliable, and consistent
14 with any relevant nationally recog-
15 nized professional and technical
16 standards.

17 “(III) REPORTING OF INDICA-
18 TORS.—A State shall publicly report
19 each of the selected indicators that
20 are included within the composite
21 measure of adequate school perform-
22 ance, as described in this clause, in
23 the aggregate and disaggregated by
24 each group of students described in
25 paragraph (2)(C)(v)(II).

1 “(D) ANNUAL IMPROVEMENT FOR
2 SCHOOLS.—Each year, for a school to meet the
3 standard for adequate student growth under
4 this paragraph, not less than 95 percent of each
5 group of students described in paragraph
6 (2)(C)(v)(II) who are enrolled in the school are
7 required to take the assessments, consistent
8 with paragraph (3), including subparagraph
9 (C)(xi) of such paragraph, and with—

10 “(i) accommodations provided in the
11 same manner as those provided under sec-
12 tion 504 of the Rehabilitation Act of 1973
13 (29 U.S.C. 794); and

14 “(ii) accommodations and alternative
15 assessments provided in the same manner
16 as those provided under section
17 612(a)(16)(A) of the Individuals with Dis-
18 abilities Education Act.

19 “(E) EVALUATION.—

20 “(i) SECRETARIAL DUTIES.—The Sec-
21 retary shall—

22 “(I) establish a rigorous peer-re-
23 view process, which shall include a di-
24 verse board of experts and community
25 stakeholders, to assist in the review of

1 State accountability model plans,
2 based on the criteria described in sub-
3 paragraphs (B) and (C)(i);

4 “(II) appoint individuals to the
5 peer-review process who are represent-
6 ative of parents, teachers, State edu-
7 cational agencies, and local edu-
8 cational agencies, and who are famil-
9 iar with educational standards, assess-
10 ments, accountability, the needs of
11 low-performing schools, and other
12 educational needs of students;

13 “(III) if the Secretary determines
14 that the State plan does not meet the
15 requirements of this paragraph, im-
16 mediately notify the State of such de-
17 termination and the reasons for such
18 determination;

19 “(IV) not decline to approve a
20 State’s accountability model plan be-
21 fore—

22 “(aa) offering the State an
23 opportunity to revise its account-
24 ability model plan;

1 “(bb) providing technical as-
2 sistance in order to assist the
3 State to meet the requirements of
4 this paragraph;

5 “(cc) providing a hearing;
6 and

7 “(dd) allowing the State to
8 communicate with peer reviewers
9 in order to further explain or jus-
10 tify the merits of the State’s ac-
11 countability model plan; and

12 “(V) have the authority to dis-
13 approve a State accountability model
14 plan for not meeting the requirements
15 of this paragraph, but shall not have
16 the authority to require a State, as a
17 condition of approval of the State ac-
18 countability model plan, to include in,
19 or delete from, such plan 1 or more
20 specific elements of the State’s aca-
21 demic content standards or to use
22 specific academic assessment instru-
23 ments or items.

24 “(ii) STATE REVISIONS.—A State ac-
25 countability model plan shall be revised by

1 the State educational agency if it is nec-
2 essary to satisfy the requirements of this
3 paragraph.

4 “(F) APPROVED SCHOOLS.—If, as of the
5 date of enactment of the Growth to Excellence
6 Act of 2012, a State has already received ap-
7 proval from the Secretary to use an account-
8 ability model, the Secretary may allow such
9 State a period of not more than 2 years from
10 the date of enactment of such Act to transition
11 to the use of the accountability model described
12 in this paragraph.

13 “(13) DEFINITIONS.—In this subsection:

14 “(A) COLLEGE AND CAREER READY.—The
15 term ‘college and career ready’, when used with
16 respect to a student, means that the student
17 meets the requirements necessary to be admit-
18 ted into credit-bearing, nonremedial, entry-level
19 coursework at a State public institution of high-
20 er education.

21 “(B) COLLEGE AND CAREER READY ACA-
22 DEMIC CONTENT STANDARDS.—The term ‘col-
23 lege and career ready academic content stand-
24 ards’ means challenging academic content

1 standards (as required under paragraph (1))
2 that are—

3 “(i) developed based on evidence that
4 mastery of such standards corresponds to
5 being college and career ready without the
6 need for remediation; and

7 “(ii)(I) common to a significant num-
8 ber of States; or

9 “(II) approved by a system of public
10 4-year institutions of higher education in
11 the State, such that mastery of such
12 standards leads to placement into credit-
13 bearing, nonremedial, first-year coursework
14 for a student admitted to an institution of
15 higher education that is part of such sys-
16 tem.

17 “(C) COLLEGE AND CAREER READY AS-
18 SESSMENTS.—The term ‘college and career
19 ready assessments’ means an assessment for
20 mathematics and an assessment for reading or
21 language arts that—

22 “(i) measures the annual academic
23 growth of individual students;

1 “(ii) is aligned with the college and
2 career ready academic content standards
3 described in this paragraph; and

4 “(iii) meets the requirements under
5 paragraph (3).

6 “(D) ON TRACK TO BEING COLLEGE AND
7 CAREER READY.—The term ‘on track to being
8 college and career ready’ in a subject means
9 that a student is performing at or above grade
10 level, such that the student will be college and
11 career ready in the subject before graduation
12 from secondary school, as measured by the
13 State assessment system.”.

○